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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,020	04/19/2004	Christopher Louis Capps	SVL920030108US1	2516
34663 7590 11/28/2008 MICHAEL J. BUCHENHORNER 8540 S.W. 83 STREET MIAMI, FL 33143				
EXAMINER GORTAYO, DANGELINO				
ART UNIT 2168		PAPER NUMBER		
NOTIFICATION DATE 11/28/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/827,020

Applicant(s)

CAPPS ET AL.

Examiner

DANGELINO N. GORTAYO

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 8, 10, 12, 13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, 10, 12-13, and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/2008 has been entered.

Response to Amendment

2. In the amendment filed on 7/20/07, claims 1-3, 5, 10, and 15 have been amended. Claims 4, 6, 7, 9, 11, and 18-28 have been cancelled. The currently pending claims considered below are Claims 1-3, 5, 8, 10, 12-13, and 15-17.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 8, 10, 12-13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US Publication 2003/0050849 A1) in view of Otsuka et al. (US Patent 7,281,251 B2)

As per claim 1, Keller teaches "In a network comprising a plurality of store node where transaction log data is collected, and an enterprise node comprising data on all the store nodes, a method for converting the transaction log data from one of the plurality of store nodes to transformed data," (see Abstract, Figure 1, paragraph 0012, 0013, 0014, 0015, 0030, wherein manufacturers and retails collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

"the method comprising: determining a period of time when the transaction log data is to be processed;" (Figure 8 reference 400 and paragraph 0045, 0046, wherein a job scheduling tool determines when data is sent to a manufacturer database)

determining whether to process the transaction log data in the store (paragraph 0036, 0042, 0045, wherein data can be processed into metadata envelopes in a retailer based on transaction or set up data)

"converting the transaction log data in the store node if the relevant store node processing conditions are satisfied and then sending the transformed data to the enterprise node for storage;" (paragraph 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database in a transaction server)

"and sending the transaction log data to the enterprise node for converting there if the relevant store node processing conditions are not satisfied;" (Figure 3 reference 70, paragraph 0030, 0031, 36, 37, 0051, wherein data streams can be sent to a server, for transformation into a database based on the intake level in a transaction server database, the transaction server database containing transaction log tables containing all data, whether transactional or non-transactional)

Keller does not teach determining whether to process the transaction log data in the store node based on relevant store node processing conditions, wherein the relevant store node processing conditions comprise: a need for the transformed data in the store node; an availability of processing resources for converting the transaction log data in the store node during the period of time; a relative cost of converting the data in the store node as opposed to converting the data at the enterprise node; and network bandwidth implications of converting in the first node as opposed to converting in the second node;

Otsuka teaches determining whether to process the transaction log data in the store node based on relevant store node processing conditions, wherein the relevant store node processing conditions comprise: a need for the transformed data in the store node; an availability of processing resources for converting the transaction log data in the store node during the period of time; a relative cost of converting the data in the store node as opposed to converting the data at the enterprise node; and network bandwidth implications of converting in the first node as opposed to converting in the second node; (column 4 line 26 – column 5 line 9, column 5 line 45 – column 6 line 48,

column 6 line 65 – column 7 line 18, wherein a POS terminal monitors status change data, and records data in a log file based on conditions determined by status change data, including if the POS is off line, maximum log file size, or other status information of the POS device). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Otsuka's method of processing and transforming data at a POS system based on POS device status information and met conditions. This gives the user the advantage of being able to detect any errors and other conditions at the POS device in a transaction system. The motivation for doing so is to make troubleshooting errors and problems in the system easier, as the status of a device is monitored (column 1 lines 53-65)

As per claim 2, Keller teaches "determining the period of time comprises selecting an interval of time" (paragraph 0013)

As per claim 3, Otsuka teaches "the period of time is based on an amount of the transaction log data accumulated." (column 6 lines 21-38)

As per claim 5, Keller teaches "converting the transaction log data comprises converting said transaction log data into a data format selected from a group consisting of: XM, IXRetail, and POSLog." (paragraph 0045, 0047)

As per claim 8, Keller teaches "the transaction log data comprises sales-related data." (paragraph 0013, 0016)

As per claim 10, Keller teaches “parsing the transaction log data to extract data from each of a plurality of fields before the converting step.” (Figures 26, 29, 31, paragraph 0024, 0025)

As per claim 12, Keller teaches “determining whether to process the transaction log data is done at the store node.” (paragraph 0046, wherein messages determine when to process data)

As per claim 13, Keller teaches “determining whether to process the transaction log data is done at the enterprise node.” (paragraph 0051)

As per claim 15, Keller teaches “sending the transaction log data to another store” (paragraph 0012)

As per claim 16, Keller teaches “determining whether to process the transaction log data in the store node is done at the frequency of transaction log transfers to the enterprise node.” (paragraph 0013, 0016)

As per claim 17, Keller teaches “local processing conditions further comprise the available processing bandwidth of the network for transmitting the data to the enterprise node.” (paragraph 0051, 0052)

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 5, 8, 10, 12-13, and 15-17 under 35 USC 103 have been considered but are moot in view of the new ground(s) of rejection. The prior art of Otsuka, in column 4 line 26 – column 5 line 9, column 5 line 45 – column 6 line 48, column 6 line 65 – column 7 line 18, teaches a POS device

containing an OLE for Retail POS (OPOS) object that is able to monitor and track the status of the POS device and detect conditions to generate log data, as disclose above. This limitation is utilized with the prior art of Keller, that teaches a method of expressing different business data in a common format to disclose all the limitations of independent claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jones (US Patent 5,832,458 A)

Philips et al. (US Patent 7,070,092 B2)

Fandel et al. (US Patent 7,232,063 B2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dangelino N Gortayo/
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